

PATENT
Docket No. 265.00090101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

MAY 23 2002

GROUP 1600

Applicant(s): Pasricha et al.) Group Art Unit: 1632

)

Serial No.: 09/834,110) Examiner: J. Woitach

Confirmation No.: 5306)

)

Filed: April 12, 2001)

For: TREATMENT OF DISORDERS BY IMPLANTING STEM CELLS
AND/OR PROGENY THEREOF INTO GASTROINTESTINAL ORGANSFACSIMILE TRANSMISSION TO THE PTO

Assistant Commissioner for Patents

FAX NUMBER: (703) 308-4242

Attn: Examiner Joseph T. Woitach

Total Pages (including cover page): 3

Washington, D.C. 20231

Time: 12:03 pm (Central Time)(Transmission must be complete by
midnight eastern time.)

The following papers are being transmitted to the Patent and Trademark Office by facsimile transmission: Response to Restriction Requirement (2 pgs).

X Small Entity Status is entitled to be asserted in the above-identified application.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895.

Mueting, Raasch & Gebhardt, P.A.
Customer Number: 26813



26813

PATENT TRADEMARK OFFICE

By:

Ann M. Mueting
Reg. No. 33,977
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May 22, 2002

Date

Signature:

Name: Gara Ladwig

May 22, 2002

Date

If you do not receive all pages, please contact us at (612)305-1220 (ph) or (612)305-1228 (fax).

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Facsimile Cover Sheet and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 22nd day of May, 2002, at 12:03 pm (Central Time).

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed May 1, 2002, Applicants elect, with traverse, Group 1 (claims 1-16), drawn to a method of treating a disorder comprising implanting stem cells, progeny or combinations thereof, into the gastrointestinal organ of a subject. Applicants' Representatives reserve the right to pursue examination of the non-elected claims in continuation or divisional applications. Applicants respectfully request reconsideration of the restrictions in this case and submit that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner.

The Restriction Requirement further states that a species is required with the election of Group 1. Therefore, the required species that is elected, with traverse, is degenerative disorder.

This election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

Response to Restriction Requirement

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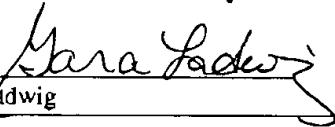
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GASTROINTESTINAL ORGANS

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 22nd day of May, 2002, at 12:03pm (Central Time).


Gara Ladwig

Respectfully submitted for

Pasricha et al.

By

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